

REMARKS

Applicant is in receipt of the Office Action mailed July 15, 2005. Claims 10-19 and 28-34 were allowed. Claims 2-7 and 22-27 were objected to. Claims 1, 8-9, and 20-21 were rejected. Claims 1, 20, and 21 have been amended. Reconsideration of the present case is earnestly requested in light of the following remarks.

Allowed Subject Matter

Claims 10-19 and 28-34 were allowed. Claims 2-7 and 22-27 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if re-written in independent form. Applicant thanks the Examiner for consideration of these claims.

Section 102 Rejection

Claims 1, 8-9, and 20-21 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,966,532 to McDonald et al. (hereinafter "McDonald"). Applicant respectfully traverses this rejection.

Claim 1 has been amended to recite as follows:

1. (Currently Amended) A method for creating a graphical program, the method comprising:

displaying information indicating a plurality of program processes, wherein each program process includes a plurality of operations for accomplishing a result, wherein each program process has a corresponding graphical program template for performing the program process, wherein each graphical program template comprises a plurality of interconnected nodes;

receiving user input selecting a first program process from the plurality of program processes, wherein the first program process has a corresponding first graphical program template for performing the first program process;

including the first graphical program template in the graphical program in response to the user input;

wherein said including the first graphical program template in the graphical program comprises programmatically including a plurality of interconnected nodes in the graphical program for performing the first program process, wherein during execution of the graphical program, the plurality of interconnected nodes programmatically included in the graphical program are operable to perform the first program process. (*emphasis added*)

The Examiner has equated the program processes recited in claim 1 with the user interface controls taught in McDonald, stating that a user interface control represents a process of inputting to or outputting from a graphical program. The Examiner also states that, “a control can be reasonably interpreted as a program process which includes a plurality of operations for accomplishing a result since the control includes a plurality of instructions for handling data.”

However, Applicant notes that amended claim 1 recites that, “wherein during execution of the graphical program, the plurality of interconnected nodes programmatically included in the graphical program are operable to perform the first program process.” Thus, in order to teach the combination of elements recited in claim 1, McDonald would have to teach that the nodes in the template for a user interface control are operable to perform the input/output process of the user interface control during execution of the graphical program. However, this is not the case. As the Examiner pointed out, the user interface control itself includes a plurality of program instructions for performing the input/output process. During execution of the graphical program, it is the user interface control itself that performs the input/output process, not the template nodes that are included in the graphical program. McDonald nowhere teaches that the nodes in a template for a user interface control are operable to perform the actual input/output process of the user interface control.

Applicant also notes that claim 1 recites, “displaying information indicating a plurality of program processes, wherein each program process includes a plurality of operations for accomplishing a result, wherein each program process has a corresponding graphical program template for performing the program process.” Since the Examiner has interpreted the program processes of claim 1 to be the input/output processes performed by the user interface controls in McDonald, it would be necessary for McDonald to teach that the template for each user interface control is a template for performing the input/output process of the user interface control in order to teach these elements of claim 1. However, as discussed above, McDonald does not teach that the nodes in the templates perform the actual input/output of the user interface controls.

For at least the reasons presented above, Applicant respectfully submits that McDonald does not teach the combination of elements recited in claim 1, and thus claim 1 and those claims dependent thereon are allowable over McDonald.

Claim 8 recites the further limitation of, “wherein each program process comprises a virtual instrumentation process.” An input/output process performed by a user interface control is not a virtual instrumentation process. Therefore it is erroneous to equate an input/output process performed by a user interface control in McDonald with a virtual instrumentation process as recited in claim 8.

Claim 9 recites the further limitation of, “wherein each virtual instrumentation process comprises one or more of: a test and measurement process; an industrial automation process.” An input/output process performed by a user interface control is not either a test and measurement process or an industrial automation process. Therefore it is erroneous to equate an input/output process performed by a user interface control in McDonald with a virtual instrumentation process as recited in claim 9.

Independent claim 21 has been amended to include similar limitations as claim 1, and so the arguments presented above apply with equal force to this claim. Applicant thus submits that claim 21 and those claims dependent thereon are similarly allowable over McDonald.

Claim 20 includes similar limitations as claims 1 and 21, but where the program processes are virtual instrumentation processes. Applicant submits that the arguments presented above also apply to claim 20, and so claim 20 is similarly allowable over McDonald. Furthermore, as noted above, an input/output process performed by a user interface control is not a virtual instrumentation process. Therefore it is erroneous to equate the input/output processes performed by user interface controls with the virtual instrumentation processes recited in claim 20.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-52400/JCH.

Also enclosed herewith are the following items:

- Return Receipt Postcard

Respectfully submitted,



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